

Arkansas State Board of Embalmers and Funeral Directors
Board Meeting

MINUTES

Wednesday, November 6, 2013, 1:00pm
Proposed Rule Changes
101 East Capitol, Conference R 60m C
Little Rock, AR

President James Terry Woodard called the meeting to order. Members present were: Vice President Bobby Thurman, Bobby Burns, Jerry Adams, and Ben Brazzel. Board members absent were: Patricia Roberts. Staff that were present: Amy Goode, Executive Secretary, Boyd Heath, Inspector, and Katina Hodge, Board Counsel.

1. **Introduction of the Board**

2. **Administrative**

- a. Motion made by Brazzel to accept as written the minutes of the October 3, 2013 board meeting, seconded by Thurman. All in favor, motion carried.
- b. Motion made by Burns to accept and approve the September 2013 trial balance and DF&A documents as delivered, seconded by Adams. All in favor, motion carried.

3. **Attorney Updates**

- a. **Effie Collins Case** – Ms. Hodge stated that in the Court of Appeals case the briefs have been submitted and were awaiting the courts to make a decision on those briefs. In the Claims Commission case it's pending the outcome of the appellant case.
- b. **17-29-313 – Crematory Permit Required.** There is a law on our books that the Board will issue a permit to construction a crematory when proper paperwork is submitted. The Board has not done this since 1995, the Board got sued stating that law was unconstitutional and it doesn't set out in guidelines the Board to follow to permit or deny. The law also states that the Board will conduct a public hearing and notify anyone within 250 feet of the proposed site. The Board denied a permit and the case was appealed. Judge Pleggee ruled it was unconstitutional and the Board didn't appeal, but the law has never been overturned. The Board did not give sufficient evidence in the findings of fact why they denied the permit. In that particular case the Board had to grant the permit. Since the law was never taken off the books, the Board should still be following that law. The Attorney's advice is that we start following this section and that the Board should establish guidelines by rule to follow. . The Board discussed at length creating rules and guidelines for the Board to follow. Hodge stated she could help the Board develop the guidelines.
- c. **Bradford Funeral Home Bankruptcy** – Hodge stated she has drafted a "notice of claim" on behalf of the Board. There was a meeting of creditors on November 1, 2013.
- d. **Derrick Gunn Order of Release** – By title search there is a lien on him from the Board. The Board issued an order with fines in 2008. There is a balance owed on a Board order and after that is paid then the *Board can* consider the order of release be filed in circuit court.

4. **Proposed Rules**

Executive Secretary informed the Board of the changes she had incorporated. The Board struck the language that an owner must be licensed to own the funeral home. The Board did agree with the language that a manager must be an active licensee a minimum of three (3) years before serving as manager of an establishment. The Board discussed all the rules proposed at length, but did decide to form a rule committee.

5. ***Adjournment***

Motion made by Brazzel to adjourn, seconded by Adams, all in favor. Motion carried.